## REMARKS

Claims 1-4, 6-17, and 19-22 are currently pending in the application. Claims 1 and 20 are in independent form. The claims have been amended to more specifically recite the claimed invention. The amendments to the claims can be found in the specification as originally filed.

Claims 1-4, 6-17, and 19-22 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In light of the present Amendment, Reconsideration of the rejection is respectfully requested.

The Office Action has held that the presently pending claims are directed to software *per se*. The claims (specifically independent claims 1 and 20) have been amended to further reflect the presence of the hardware elements of the present invention, specifically visual display hardware and communication hardware. Respondent points to Paragraph [0019] of the present application's specification, which refers directly to the system of the present invention including "...a web and/or encrypted satellite and/or server interface and/or existing system..." Furthermore, the specification refers to "...a variety of viewing equipment types including, but not limited to on-board computer (i.e. ONSTAR.TM.), PDAs, phones (both cell and land line), touch screen monitors, and viewable glasses." – all of which are visual display hardware elements present in the present invention. In light of the amended claims which reflect the specification's reference to various hardware elements, reconsideration of the rejection is respectfully requested.

Claim 18 stands rejected under 35 U.S.C. § 112 as being indefinite. This claim has been cancelled.

Claims 1-6 and 17-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,977,529 to Gregg, et al. Reconsideration of the rejections is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim.

The Office Action has held that the Gregg patent discloses an automated three-dimensional data access system, comprising manipulating means for virtually manipulating, testing, and controlling the three-dimensional and related data.

When read more specifically, the Gregg patent is directed to a training simulator "...for **simulating the real-time dynamic operation of a nuclear power plant** wherein a digital computer arrangement accepts input data from manually operable devices corresponding to simulated plant control devices, calculates physical values relating to the dynamic operation in real-time of the simulated plant to provide output data for operating indicating devices for

monitoring the operation of the plant." (Gregg, column 3, line 65 – column 4 line 5, emphasis added). This objective – simulating the operation of a nuclear power plant using a digital computer – is entirely distinct from the invention defined in the presently pending claims, namely an automated three-dimensional data access, display, and communication system including means for virtually manipulating, testing, and controlling three-dimensional and related data as well as means for visually presenting and communicating three-dimensional and related data – features far beyond the nuclear power plant simulator described in Gregg. Respondents respectfully request the entry of the present Rule 116 Amendment, in light of the Examiner's suggestion that the claims be amended to highlight these distinctions.

Furthermore, in citing the Gregg patent as a basis for the 35 U.S.C. § 102(b) rejection, the Office Action repeatedly references two of the patent's passages which refer to the term "three dimension." The first reference, Gregg, Column 184, lines 23-38, refers vaguely to monitoring a reactor "...in real-time and in three dimension..." The Office Action's second reference, Gregg, Column 185, lines 39-61, further elaborates: "The physical operation of the reactor is modularized into several different models to provide for **three dimensional simulation**. ... **The three dimensional aspect is introduced** ... **to simulate** the flux tilt distribution for the individual models that simulate the nuclear instrumentation..." The Gregg references cited in the Office Action explicitly refer to a form of "three dimensional simulation" which is used as part of Gregg's training simulator.

Conversely, the presently pending claims are directed not to the basic three dimensional **simulation** found in Gregg, rather to the manipulating, testing, controlling, displaying, and communicating of three-dimensional and related data. Indeed, basic three-dimensional simulation is a widely known and implemented effect in many areas of computing and imaging. The present invention is directed not simply to three-dimensional simulation, but to the advanced and complex manipulation, testing, and controlling, of three-dimensional models, files, and simulations. This distinction is further illustrated in Paragraph [0017] of the present application, wherein several of the claimed three-dimensional functionalities of the present invention are elaborated upon, including "...altering the object (model)..., dissecting (i.e. removing parts of the object to view other parts located behind the removed parts), rotating the object...." These functionalities, which represent in part the significance and novelty of the present invention, are far beyond the scope of the common three dimensional simulation referenced in Gregg. Again, Respondents respectfully request the entry of the present Rule 116 Amendment, in light of the Examiner's suggestion that the present claims be amended to further highlight these distinctions. The entry of the present Rule 116 Amendment will not give rise to any new issues in the present application, and indeed will only serve to resolve any outstanding issues raised previously. As such, entry of the present Amendment is respectfully requested.

In light of the above distinctions and novelty described in the presently pending claims invention beyond that which is described in the prior art, as well

as the present amendment, reconsideration of the rejection is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatnetable over U.S. Patent No. 4,977,529 to Gregg, et al in further view of U.S. Patent No. 4,480,480 to Scott. Reconsideration of the rejection is respectfully requested.

Additionally, claims 8-16 stand rejected under 35 U.S.C. § 103(a) as being unpatnetable over U.S. Patent No. 4,977,529 to Gregg, et al in further view of U.S. Patent No. 4,480,480 to Scott, and further in view of U.S. Patent Application No. 20020161533 to Uegakl. Reconsideration of the rejections is also respectfully requested.

Additionally, claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatnetable over U.S. Patent No. 4,977,529 to Gregg, et al in further view of U.S. Patent No. 6,670,908 to Wilson. Reconsideration of the rejection is also respectfully requested.

As outlined above, the system and method described in the presently pending claims are distinct from and wholly beyond the scope of the training simulator referenced in the Gregg patent. In light of this distinction, respondent respectfully asserts that the Examiner's combinations of the Gregg patent together with additional patent references are thus rendered moot. As such, reconsideration of the rejections is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependant on the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references

as discussed above, and the prior art references do not disclose the characterizing features of the independent claims as discusses above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In conclusion, it is respectfully submitted that the presently pending claims are in condition for allowance, which allowance is respectfully requested. Applicant respectfully requests to be contacted by telephone at (248)539-5050 if any remaining issues exist.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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**CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB**

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I hereby certify that this correspondence is being electronically filed with the United States Patent & Trademark Office on the above date.

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